IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY NINTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI JUSTICE N.V. RAMANA

WRIT PETITION NO.21766 of 2004

Between:

Vustipalli Srinivasa Reddy, S/o. Late Peda Basivi Reddy, Hindu,
R/o. Machirajuvari Street, Old Guntur, Guntur.

..... PETITIONER

AND

The Special Officer and Competent Authority, Urban Land Ceiling,
5th Line, Arundelpet, Guntur.

.....RESPONDENT

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue any writ, order or direction more particularly one in the nature of Writ of Mandamus directing the Respondent herein to consider the petitioner's representation dated 08-03-2004 as per G.O.Ms.No.733, Revenue (UC.II) Department, dated 31-10-1988 in ULC No. 1250/76-B by declaring the inaction of the Respondent in not granting general exemption is illegal, void and without jurisdiction.

Counsel for the Petitioner: MR.RAJA REDDY KONETI

Counsel for the Respondent: GP FOR REVENUE

The Court at the stage of admission made the following:

ORDER:

This writ petition is filed seeking to declare the inaction on the part of the respondent in not granting general exemption and to direct the respondent to consider the petitioner's representation dated 08.03.2004 as per G.O.Ms.No.733, Revenue (U.C.II) Department, dated 31.10.1988 in ULC.NO.1250/76-B.

The case of the petitioner, in brief, is that his father filed a declaration under Section 6 of the Urban Land Ceiling Act (for short the Act) specifying the lands possessed by him within the urban agglomeration. Accordingly, orders under Section 9 of the Act were passed declaring that his father was holding excess land to an extent of 7,467-80 sq. metres. The petitioner states that thereafter no further proceedings under Section 10 of the Act were initiated for acquiring the excess land from his father. In the meanwhile the Government issued G.O.Ms.No.733, dated 31.10.1988 granting exemption of the vacant land or the agricultural land to a maximum extent of Ac.5.00 situated within the peripheral area as specified in column (3) of Schedule I of the Act 1976 of Hyderabad, Visakhapatnam, Vijayawada, Guntur and Warangal agglomeration in excess of the ceiling limit and in view of the Government Order, his father made a representation on 25.04.1991 requesting the respondent to grant exemption of the agricultural vacant land but the respondent did not take any action on the representation of his father. In the meanwhile, his father died and thereafter he also filed a representation, dated 08.03.2004 before the respondent to grant general exemption as per the Government Order, in vain. Hence, the writ petition.

Having heard the learned counsel for the petitioner and having regard to the facts and circumstances of the case, and having regard to the fact that the representation

said to have been filed by the petitioner is pending with the respondent, without going into the merits of the case,

I deem it appropriate to dispose of the writ petition with the following directions:

If the representation dated 08.03.2004 of the petitioner is not yet disposed of, the respondent shall consider and dispose of the same in accordance with law and pass appropriate orders thereon, within a period of eight weeks from the date of receipt of a copy of this order. No costs.

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(N.V. RAMANA, J)

Date: 29.11.2004

Nsr/Tvk

To

1. The Special Officer and Competent Authority, Urban Land Ceiling,
5th Line, Arundelpet, Guntur.

2. Two CCs to GP for Revenue, High Court of AP, Hyderabad (OUT)

3. Two CD copies.

THE HON'BLE SRI JUSTICE N.V. RAMANA

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Date: 29-11-2004